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BETSY MARKEY

4TH DISTRICT, COLORADO

February 22, 2010

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The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Re: Baja Broadband Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7111-Z

Dear Chairman Genachowski:

More than five months ago, Baja Broadband, a small cable operator serving constituents in my district, petitioned the FCC for a limited, partial waiver from the "integration ban." It is my understanding that Baja has stopped offering high-definition (HD) and digital video recorder (DVR) devices as a result of its inability to purchase lower-cost refurbished devices.

In Section 629(c) of the Communications Act, as revised by the Telecommunications Act of 1996, Congress required the Commission to grant waiver requests of its navigation device rules "within 90 days of filing if an appropriate showing has been made." Even aside from this requirement, I trust you agree that the Commission should undertake to act promptly to resolve requests especially when, as is the case here, consumers are currently unable to obtain HD and DVR services as a result of the Commission's application of the ban to refurbished devices that Baja claims to be unnecessary.

I understand that Baja has offered commitments that it believes are far more than sufficient to assure that the purposes of the integration ban remain achieved even if its requested waiver is granted. I ask that the Commission will give immediate and serious consideration to its request.

Respectfully,

Betsy Markey  
Member of Congress

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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 9, 2010

The Honorable Betsy Markey  
U.S. House of Representatives  
1229 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Markey:

Thank you for your letter regarding a *First Amended Request for Waiver* that Baja Broadband Operating Company, LLC, filed with the Commission. Specifically, Baja Broadband requested a waiver of the Commission's rule (76.1204(a)(1)) that prohibits cable television system operators from deploying new set-top boxes with integrated security (the "integration ban").

The Baja Broadband petition sought a waiver of the integration ban so that the company may provide consumers with refurbished integrated navigation equipment, including high-definition (HD) and digital video recorder (DVR) devices. On March 4, 2010, the Commission's Media Bureau adopted a *Memorandum Opinion and Order* (DA 10-373) granting Baja's waiver request, with conditions. Specifically, Baja is required to purchase its refurbished devices only from companies that also commit to sell the devices directly to Baja's subscribers. Baja also is required to notify its subscribers that refurbished devices are available for purchase directly from Baja's supplier, and provide subscribers with the contact information for the supplier. For your information, I am enclosing a copy of the Bureau's *Order*.

I appreciate your interest in this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure